and wants and the *potential* satisfaction of human needs and wants and there being no articulate knowledge of how such Earth wide total method of societal system can be so improved that the *actual* satisfaction of human needs and wants can be brought more nearly to the *potential* satisfaction of human needs and wants, there is discontent in human beings everywhere.

During a little more than fifteen years of isolation from the stream of society in this nation and dedicated study to find out a way by which the *actual* satisfaction of human needs and wants can be brought more nearly to the *potential* satisfaction of human needs and wants, undersigned counsel for petitioner has developed articulate knowledge how such gap can be narrowed immediately and closed ultimately. At an early date in an open letter from undersigned counsel to the President of the United States and the Premier of Russia, jointly, a system of concepts will be stated, clearly and articulately, upon which as a foundation, an Earth wide total method of societal system can be established, which in implementation amain will first narrow and then close such gap between the *actual* and *potential* satisfaction of human needs and wants, produce eternal Earth wide peace and continue Earth's society in such further progressiveness as can presently be foreseen and reasonably expected. Such letter will be sent to a long list of the most intellectually aristocratic institutions and personages around the Earth with request for the widest and most intensive publicity possible of such system of concepts and how and why an Earth wide total method of societal system estab-

lished on same as a foundation will implement the objectives above stated in order that all of same may be refuted in Earth wide public opinion and if same cannot be refuted in Earth wide public opinion—and they cannot be and therefore, will not be—then there will be no alternative to the establishment and implementation of an Earth wide total method of societal system. Such course would certainly be most proper just now as an alternative to war.

The only agency on Earth which can make an authoritative statement of such system of concepts is this Court in litigation brought before it on questions of deprivation of due process of law for the reason that every method in such Earth wide total method of societal system, whether it be implementary of an objective of human desire, or coercive of human beings on Earth, will necessarily be implemented at the standard or level of due process of law, conceptualized under the methods of modern science.

In every litigation where this Court has determined that a participating litigant has been deprived of due process of law, the underlying consideration which has been controlling of this Court's such determination has been, not the fact that the participating litigant has been deprived of a right under our national total method of societal system to which he was entitled but the fact that by the exercise of federal or state power in depriving such participating litigant of due process of law, our nation's society was deprived of a right without the obtention of which our national total method of societal system could not continue. In the New York Times Company v. Sullivan case, which is cited at page 7 of the petition

for writ of certiorari filed herein, while the petitioner was the participating litigant who was deprived of due process of law by the state courts of the State of Alabama in the course of the litigation through the state judicial system of the State of Alabama, the consideration which controlled this Court's determination that petitioner was deprived of due process of law and therefore, entitled to reversal of the judgment of the Alabama state courts, was that in depriving petitioner of due process of law, the Alabama state courts, deprived our nation's society of a method of our national total method of societal system, without which in obtention, our national total method of societal system could not continue. In the instant case, the courts of the state judicial system of the State of Texas, in depriving petitioner, who was the participating litigant in the litigation through the state judicial system, deprived our nation's society of medical skills and services, without which our national total method of societal system cannot continue. Such view of due process of law—conceptualized under the methods of modern science as such concept of due process of law must be, is the key and controlling concept of the system of concepts upon which the Earth wide system hereinabove mentioned must be founded. Therefore, accordingly, it is a matter of Earth wide and universal public importance that this Court take jurisdiction of this litigation, the determination of which will inevitably require and include this Court's articulate statement of the system of concepts upon which such Earth wide total method of societal system as a matter of organic necessity must be established and implemented.

CONCLUSION

For the reasons set forth above and in the petition for writ of certiorari it is respectfully urged that rehearing be granted of the order of April 18, 1966, denying the petition for writ of certiorari, that upon such rehearing said order of denial be set aside and that a writ of certiorari be issued to the Court of Civil Appeals for the Sixth Supreme Judicial District of Texas at Texarkana, Texas, or, alternatively, that this cause be set for oral argument on a rule to show cause why the orders immediately above described and prayed for should not be made and entered herein.

Respectfully submitted,

CURTIS E. HILL,
3235½ Rosedale,
Dallas, Texas 75205
Counsel for Petitioner

CERTIFICATE OF COUNSEL

I hereby certify that the foregoing petition for rehearing is presented in good faith and not for delay and is restricted to grounds specified in Rule 58 of the rules of this Court.

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing petition for rehearing of the order of April 18, 1966, denying petition for writ of certiorari, has been mailed—first class—on May 16, 1966 to Thomas G. Nash, Esquire, 336 Fidelity Union Tower Building, Dallas, Texas 75201, who is counsel of record for respondent.

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CURTIS E. HILL

APPENDIX A

Rule 85. Original Answer; Contents

The original answer may consist of pleas of privilege, to the jurisdiction, in abatement, or any other dilatory pleas; of special exceptions[,] of general denial, and any defense by way of avoidance or estoppel, and it may present a cross-action, which to that extent will place defendant in the attitude of a plaintiff. Matters in avoidance and estoppel may be stated together, or in several special pleas, each presenting a distinct defense, and numbered so as to admit of separate issues to be formed on them.

Rule 90. Waiver of Defects in Pleading

General demurrers shall not be used. Every defect, omission or fault in a pleading either of form or of substance, which is not specifically pointed out by motion or exception in writing and brought to the attention of the Judge in the trial court before the instruction or charge to the jury or, in a non-jury case, before the rendition of judgment, shall be deemed to have been waived by the party seeking reversal on such account; provided that this rule shall not apply as to any party against whom default judgment is rendered.

Rule 91. Special Exceptions

A special exception shall not only point out the particular pleading excepted to, but it shall also point out intelligibly and with particularity the defect, omission, obscurity, duplicity, generality, or other insufficiency in the allegations in the pleading excepted to. Amended by Order of March 31, 1941.

Rule 92. General Denial

A general denial of matters pleaded by the adverse party which are not required to be denied under oath, shall be sufficient to put the same in issue. Where the defendant has pleaded a general denial, and the plaintiff shall afterward amend his pleading, such original denial shall be presumed to extend to all matters subsequently set up by the plaintiff.

Rule 94. Affirmative Defenses

In pleading to a preceding pleading, a party shall set forth affirmatively accord and satisfaction, arbitration and award, assumption of risk, contributory negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver, and any other matter constituting an avoidance or affirmative defense. Where the suit is on an insurance contract which insures against certain general hazards, but contains other provisions limiting such general liability, the party suing on such contract shall never be required to allege that the loss was not due to a risk or cause coming within any of the exceptions specified in the contract, nor shall the insurer be allowed to raise such issue unless it shall specifically allege that the loss was due to a risk or cause coming within a particular exception to the general liability; provided that nothing herein shall be construed to change the burden of proof on such issue as it now exists. Amended by Order of March 31, 1941.

Rule 268. Motion for Instructed Verdict

A motion for directed verdict shall state the specific grounds therefor.

Rule 320. Motion

New trials may be granted and judgment set aside on motion for good cause, on such terms as the court shall direct. Each such motion shall be in writing and signed by the party or his attorney and shall specify each ground on which it is founded, and no ground not specified shall be considered. As amended by order of July 20, 1954, effective Jan. 1, 1955.

Rule 321. Form

Each ground of a motion for a new trial or in arrest of judgment shall briefly refer to that part of the ruling of the court, charge given to the jury, or charge refused, admission or rejection of evidence, or other proceedings which are designated to be complained of, in such way as that the point of

objection can be clearly identified and understood by the court.

Rule 322. Generality To Be Avoided

Grounds of objections couched in general terms—as that the court erred in its charge, in sustaining or overruling exceptions to the pleadings, and in excluding or admitting evidence, the verdict of the jury is contrary to law, and the like—shall not be considered by the court.

Rule 418. Briefs: Contents

The brief for appellant should contain in the order here stated:

(a) A short, plain statement of the nature of the case without argument. A resume of the pleadings or evidence is seldom necessary and should be avoided.

(b) A statement of the points upon which the appeal is predicated, separately numbered in short form and without argument, and germane to one or more assignments of error when assignments are required. Such points will be sufficient if they direct the attention of the court to the error relied upon and they should ordinarily be so concisely stated that they may appear, separately numbered, on a single page of the brief. Assignments of error need not be copied in the brief, and may be cited by reference only.

(c) A brief of the argument, presenting separately or grouped, if germane, the points relied upon for reversal, the argument to include (i) a fair, condensed statement of the facts pertinent to such points, with reference to the pages in the record where the same may be found; and (ii) such discussion of the facts and the authorities relied upon as may be requisite to maintain the point at issue. If complaint is made of any charge given or refused, such charge shall be set out in full. If complaint is made of the improper admission or rejection of evidence, the full substance of such evidence so admitted or rejected shall be set out with reference to the pages of the record where the same may be found. Repetition or prolixity of statement or argument must be avoided. As

amended by order of March 31, 1941; order of Sept. 20, 1941, effective Dec. 31, 1941.

Rule 458. Motion and Second Motion for Rehearing

Any party desiring a rehearing of any matter determined by any Court of Civil Appeals may, * * * file with the Clerk of the said court his motion in writing for a rehearing thereof, in which the assignments of error relied upon for the rehearing shall be distinctly specified, * * *

Rule 469. Requisites of Application

The fact that the docket of the Supreme Court is overcrowded makes it imperative that applications for writs of error be as brief as possible. The attorneys are urged to cooperate with the Court in this respect, in order to reduce the work of the Court. The respondent is urged to file a reply.

The application for writ of error shall be addressed to "The Supreme Court of Texas," and shall state the name of the party or parties applying for the writ. The parties shall be designated as "Petitioner" and "Respondent." The application shall contain the following:

(a) Statement of the Case. The opinion of the Court of Civil Appeals will always be read before the application is considered; consequently the application should not contain matter that is found in the opinion of the Court of Civil Appeals. Ordinarily it should contain only a statement of the general nature of the suit,—for instance, whether it is a suit for damages, on a note, or in trespass to try title, and that the statement as contained in the opinion of the Court of Civil Appeals is correct, except in the particulars pointed out. Example: "This is a suit for damages in excess of $1000.00 for personal injuries growing out of an automobile collision. The opinion of the Court of Civil Appeals correctly states the nature and result of the suit, except in the following particulars: (If any.)" Such statement should seldom exceed one-half page. The details of the case should be reserved to be stated in connection with the points to which they are pertinent.

(b) Statement of Jurisdiction. Except in those cases in which the jurisdiction of the Court depends on a conflict of decisions under Subdivision 1 of Article 1821, the petition should merely state that the Supreme Court has jurisdiction under a particular subdivision of Article 1728. Example: "The Supreme Court has jurisdiction of this suit under Subdivision 6 of Article 1728." Where the case is one coming within the provisions of Subdivision 1 of Article 1821, and jurisdiction of the Supreme Court depends on a conflict of decisions, the conflict on the question of law should be clearly and plainly stated.

(c) Points of Error. The points of error relied upon, separately numbered, shall be stated in short form and without argument and be germane to some assignment of error in the motion for new trial in the trial court, or otherwise saved in the statement of points as authorized by the rules, and likewise assigned as error in the motion for rehearing in the Court of Civil Appeals, and where Rule 377-a has been employed, saved in the statement there authorized. If the ruling complained of originated in the Court of Civil Appeals, it must also be assigned as error in the motion for rehearing in said court.

(d) Brief of the Argument. The brief of the argument may present separately, or grouped if germane, the points of error relied upon for reversal, the argument to include such pertinent statements from the record as may be requisite together with page references and such discussion of the authorities as is deemed necessary to make clear the points of error complained of. The opinion of the Court of Civil Appeals will be considered with the application, and statements therein, if accepted by counsel as correct, need not be repeated.

(e) Subject Index. The application shall contain at the front thereof of a subject index with page references where the discussion of each point relied upon may be found and also a list of authorities alphabetically arranged, together with reference to the pages of the application where the same are cited.

(f) If any brief, or application for writ of error is unnecessarily lengthy or not prepared in conformity with these rules, the court may require same to be redrawn. Amended by Order of March 31, 1941; also by order of September 20, 1941, effective December 31, 1941.

Rule 483. Order on Application for Writ of Error

In all cases where the judgment of the Court of Civil Appeals is a correct one and where the principles of law declared in the opinion of the court are correctly determined, the Supreme Court will refuse the application with the docket notation "Refused". In all cases where the Supreme Court is not satisfied that the opinion of the Court of Civil Appeals in all respects has correctly declared the law, but is of the opinion that the application presents no error which requires reversal, the Court will deny the application, with the notation "Refused. No Reversible Error." In all cases where the Supreme Court is without jurisdiction of the case as presented in the application it will dismiss the application with the docket notation, "Dismissed for want of juridiction."

Rule 515. Motion for Rehearing

A motion for rehearing may be filed with the clerk of the Court within fifteen days after the date of rendition of the judgment or decree of the court or the order refusing or dismissing an application for writ of error whether such date be in the same term or a succeeding term of such court * * * The grounds relied on for the rehearing shall be distinctly specified in such motion.